

## THIRD DIVISION

[ **A.M. No. MTJ-07-1662 (Formerly OCA IPI No. 06-1858-P), June 08, 2007** ]

**AURORA E. BALAJEDEONG, COMPLAINANT, VS. JUDGE DEOGRACIAS K. DEL ROSARIO, MCTC, PATNONGON, ANTIQUE, RESPONDENT.**

### R E S O L U T I O N

**CHICO-NAZARIO, J.:**

This is an administrative complaint<sup>[1]</sup> filed by Aurora E. Balajedeong (Balajedeong), against Judge Deogracias K. Del Rosario (Judge Del Rosario), Presiding Judge of the Municipal Circuit Trial Court (MCTC), Patnongon, Antique, for Grave Misconduct; Conduct Unbecoming a Judge, and Delay in the Disposition of a Case, relative to Civil Case No. 367 entitled, "*Paterno Colago v. Sps. Willy and Salvacion Odi*," pending before said court.

Complainant Balajedeong is the attorney-in-fact of Paterno Colago, the plaintiff in Civil Case No. 367, filed against the Spouses Odi for Forcible Entry with Prayer for Issuance of a Temporary Restraining Order before the MCTC, Patnongon, Antique, presided over by respondent Judge Del Rosario. She narrated that after a preliminary conference was held on 12 May 2003, the parties were ordered by respondent Judge Del Rosario to submit their respective position papers within 10 days. Colago, through his representative and herein complainant Balajedeong, allegedly filed his position paper on 24 June 2003, while Spouses Odi failed to do so. On 13 February 2004, Colago's counsel filed a Motion for Early Decision, but despite said motion, respondent Judge Del Rosario never entertained his plea.

In his Comment<sup>[2]</sup> dated 26 July 2006, respondent Judge Del Rosario claims that Spouses Odi submitted their memorandum on 2 June 2003, while Colago through his representative and herein complainant Balajedeong, submitted his position paper on 30 June 2003. Respondent Judge Del Rosario admits that the delay in the disposition of the subject case is due mainly to his failing health as he claims that sometime in July 2003 and September 2003, he had been hospitalized due to heart ailment and was advised to undergo by-pass operation. Thereafter, he was hospitalized several times more. Respondent Judge Del Rosario further states that there was a time when he was assigned as Presiding Judge of the 4th MCTC, Barbaza, Antique where he reported twice a week to conduct trial and preliminary examination. Respondent Judge Del Rosario further informs this Court that Civil Case No. 367, subject matter of this instant administrative complaint, was already decided on 15 June 2006.

On 24 November 2006, the Office of the Court Administrator (OCA) submitted its report,<sup>[3]</sup> recommending that -

This instant administrative complaint be RE-DOCKETED as a regular administrative matter, and respondent Judge, in view of the previous cases where he was sanctioned to pay fines, be penalized to pay a FINE in the amount of THIRTY THOUSAND PESOS (P30,000.00) with a stern WARNING that a repetition of the same or similar offense will be dealt with even more severely.

On 15 January 2007, we required<sup>[4]</sup> the parties herein to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

On 16 February 2007, complainant Balajedeong submitted her manifestation<sup>[5]</sup> stating that she was submitting the case for resolution based on the pleadings filed.

Respondent Judge Del Rosario failed to file his manifestation despite notice sent to and received by him.

Resultantly, the case is submitted for decision based on the pleadings filed.

We agree with the recommendation of the Court Administrator except in the penalty imposed.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.<sup>[6]</sup>

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.<sup>[7]</sup> Section 15 (1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and make the administration of justice more efficient.<sup>[8]</sup> Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. Finally, Canons 6 and 7 of the Canons of Judicial Ethics exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

#### 6. PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

#### 7. PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad

example to the bar and tends to create dissatisfaction with the administration of justice.

Also relevant is Administrative Circular No. 1 dated 28 January 1988, which requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15, of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

With respect to cases falling under the Rules on Summary Procedure, first-level courts are only allowed 30 days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment.<sup>[9]</sup>

Section 10 of the Rules on Summary Procedure explicitly provides:

SEC.10. *Rendition of judgment.* – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

Clearly, respondent Judge Del Rosario failed to decide the aforementioned case within the thirty-day period prescribed by the Revised Rules on Summary Procedure. Herein complainant Balajedeong, on behalf of her principal Colago, and the Spouses Odi, parties in Civil Case No. 357, allegedly filed their position papers in June 2003; thus, respondent Judge Del Rosario had thirty days thereafter to render a decision. But the decision was rendered only on 15 June 2006 or almost three years later. Respondent Judge Del Rosario's act is contrary to the rationale behind the Rules on Summary Procedure which was promulgated for the purpose of achieving "an expeditious and inexpensive determination of cases."<sup>[10]</sup> For this reason, respondent Judge Del Rosario should be administratively sanctioned. As held in *Sanchez v. Vesti*<sup>[11]</sup>:

This Court has constantly impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitute gross inefficiency and warrants the imposition of administrative sanction on them.

Indeed, we have consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.<sup>[12]</sup>

We cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards.<sup>[13]</sup> Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.<sup>[14]</sup>